

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6273 *CR PC#1* DE# 721

6 **DUE TO POOR QUALITY, THE ATTACHED  
DOCUMENT IS NOT SCANNED**

---

**ATTACHMENT(S) NOT SCANNED**

- ☐ VOLUMINOUS (exceeds 999 pages = 4 inches)
- ☐ BOUND EXTRADITION PAPERS
- ☐ ADMINISTRATIVE RECORD (Social Security)
- ☐ ORIGINAL BANKRUPTCY TRANSCRIPT
- ☐ STATE COURT RECORD (Habeas Cases)
- ☐ SOUTHERN DISTRICT TRANSCRIPTS
- ☐ LEGAL SIZE
- ☐ DOUBLE SIDED
- ☐ PHOTOGRAPHS
- ☐ POOR QUALITY (e.g. light print, dark print, etc.)
- ☐ SURETY BOND (original or letter of undertaking)
- ☐ CD's, DVD's, VHS Tapes, Cassette Tapes
- ☐ OTHER = \_\_\_\_\_

**PLEASE REFER TO COURT FILE**



However plaintiff was first arrested and charged in state court first. Therefore He had to be returned to state custody to face the same charges in Broward County. After 5 years plaintiff's charges were dropped because the Court ruled that

Broward County has no jurisdiction to arrest Ariel A. Hernandez, because the crime occurred in Dade County. Following this ruling a writ for change of venue was issued. Ariel Hernandez was awaiting for Dade County to indict. Defendant was forced into the legal system because.

1. Defendant is a sentenced Federal Inmate. And since charges were dropped, Federal Code's and Rules 18 USC 3623, 18 USC 4084, 4085 states that the state of Florida (Dade County) knowing Defendant was a sentenced Federal Inmate the state must follow the rules set for 18 USC 4085 in which the state must provide a certified copy of the indictment to the Attorney General whom is responsible finds it in the Public interest to do can have the Federal Inmate upon the states Governor request can transfer that Inmate to the state or Correctional Institution in which defendant is on since he being charged

## Problems

1. The US Marshall's for reasons unknown choose not have Defendant brought back to Federal custody. His Rules and Procedures dictate further more they could had a Open Order to have Defendant Remanded to Federal Custody. The Marshall's Refused to carry out for reasons unknown but to themselves. Both Plaintiff and many States Attorney State and the US Marshall's violated this Defendant due process rights which it caused a illegal state indictment because proper procedure was not followed. This forced the Defendant into a country with no Habeas Law LIBRARY
  2. The second part of this dilemma is since Defendant due process rights were violated because negligence of the US Marshall's, And the state had no right to legally detain a Federal Prisoner in a state grand Jury indictment without getting leave from the Attorney General to do so.
- Now for over 1 year Defendant has been placed in Administration Segregation And because of this placement he has not been allowed
1. Access to a Adequate Law Library
  2. Access to scribe materials
  3. Access to Federal Books
  4. Access to outside Books

Defendant even obtained a Court Order from Case Judge NIDAL in which DRDO County has refused to Honor for 3 months. No one in the Correctional Jail (T.61K) has even answered the Defendant's Letters and Guarantees nor his Attorney's Letter. Defendant will file for a Injunction against these connections in Federal Court at a later time.

3. 3RD problem This Defendant has until January 16 to file his Motion papers for a COB. However, But he has run into A crucial Roadblock in filing his papers with the App.

1. Defendant is scheduled for Trial January 23, 2006., AND is ALSO scheduled for a civil trial December 5, 2005

2 This Court has Refused Along with Appellant's Counsel to provide Defendant with a copy of his trial transcripts. Defendant is waiting on A Recent Motion to Compel Appellant's Counsel to turn over the Trial and Sentencing transcripts and any transcripts. Without these transcripts Defendant cannot show his Attorney's ineffectiveness AT TRIAL, nor other pertinent issues.

3 Defendant is scheduled for two trials. One in December 2005 and one in January 2006. He still should have his transcripts. He has failed to get some MRAs in case of trial. He is at the time and he is of the court. The Defendant is in this Court to

1. Delay the 1 year time limit until A has been served with the transcripts. B will be served with a copy of the transcript by the time this Court is in possession of the transcripts.
2. C has only asks for a 90 day delay to the end of 2005 period. Instead of January 13, 2006 deadline. It would be April 2006. The Court has the authority to Grant A Delay if reasonable excuse is shown.

CCF-P-1010 of 5/10/01

A copy of the foregoing was sent to  
Lawrence La Vecchia, AUSA, and Jeffrey  
Stomach, AUSA, the 04th day of October  
VIA US MAIL.

by *A. J. [Signature]*  
Ariel A. Hernandez  
# 50021000  
T 6 K  
7000 [unclear]  
1st [unclear]